

## ORDINANCE NO. 2278

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF GARDNER, KANSAS, ALL PURSUANT TO K.S.A. 12-6a01 *ET SEQ.* (PERIDIAN DRIVE BENEFIT DISTRICT).

WHEREAS, pursuant to Resolution No. 1652 of the City of Gardner, Kansas (the “City”), adopted on October 4, 2004, as amended by Resolution No. 1750 of the City adopted on May 19, 2008, the Governing Body of the City authorized the creation of an improvement district and the construction of the following improvements (the “Improvements”):

Construction of a City-standard 36 feet wide asphalt street approximately 3,000 feet running North-South generally 820 feet East of the centerline of Moonlight Road, Gardner, Kansas. The street intersects with Lincoln Lane and terminates at New Century Parkway. The improvements will include storm sewer improvements, grading, subgrade preparation, curb and gutter, right-of-way acquisition, signage, landscaping/street trees, a left turning deceleration lane and median cuts at New Century Parkway, a temporary asphalt access constructed into Aspen Creek Apartments that will be removed upon completion of Lincoln Lane and Peridian Drive, and necessary engineering and surveying;

WHEREAS, the City has determined the final amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the final cost of the Improvements and has held a public hearing on the proposed special assessments to be levied against property in the improvement district for the cost of construction of the Improvements after providing notice of such hearing as required by K.S.A. 12-6a09;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

**SECTION 1.** Special assessments to pay the costs of the Improvements are hereby levied and assessed against the lots, pieces and parcels of land liable therefor as described in *Exhibit A* to this Ordinance, which is incorporated herein by reference, and in the amounts set forth on *Exhibit A* following the description of each lot, piece or parcel of land.

**SECTION 2.** The amounts so levied and assessed shall be due and payable from and after the date of publication of this Ordinance; and the City Clerk shall notify the owners of the affected properties of the amounts of their assessments, that unless the assessments are paid by July 21, 2008, bonds will be issued therefor and such assessments will be levied concurrently with general taxes and be payable in 20 annual installments.

**SECTION 3.** The City Clerk shall certify to the County Clerk, in the same manner and at the same time as other taxes are certified, for a period of 20 years, all of the assessments which

have not been paid by July 21, 2008, together with interest on such amount thereof at a rate not exceeding the maximum rate as prescribed by the laws of the State of Kansas; and such amounts shall be placed on the tax rolls and collected as other taxes are collected, the levy for each year being a portion of the principal amount of the assessment plus one year's interest on the amount remaining unpaid.

**SECTION 4.** This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper.

PASSED by the Governing Body of the City of Gardner, Kansas, on June 16, 2008.

(Seal)

/s/ Carol Lehman  
Carol Lehman, Mayor

ATTEST:

/s/ Teresa Anderson  
Teresa Anderson, City Clerk

## EXHIBIT A

Description of Property		Amount of Assessment	
Legal Description		Tax ID	Assessment
19-14-23 SW1/4 LYG N US 56 HWYEX PT IN ST EX 23.37 AC EX 3.48 AC EX E 775' EX 5.712 AC EX 1.19 AC EX 31.38 AC EX 5.17 AC EX 6.36 AC EX 1.16 & EX .25 AC 12.528 ACS M/L GAC 289C 1 BOTA 89 4584 ETAL		CF231419-2013	141,570.00
NEW CENTURY BUSINESS CENTER ADDITION NO. 1 LT 1 GAC 289C 1 6 1 1		CP66930000 0001	84,611.16
NEW CENTURY BUSINESS CENTER ADDITION NO. 1 TRACT B GAC 289C 1 6 B		CP66930000 0T0B	217,554.02
NEW CENTURY BUSINESS CENTER ADDITION NO. 1 TRACT D GAC 289C 1 6 2 D		CP66930000 0T0D	378,607.95
NEW CENTURY BUSINESS CENTER ADDITION NO. 1 TRACT E GAC 289C 1 6 E		CP66930000 0T0E	142,648.59
NEW CENTURY BUSINESS CENTER ADDITION NO. 2 LT 1 GAC 289C 1 6 A 1		CP66940000 0001	25,008.28
		<b>Total of all assessments</b>	<b>990,000.00</b>